



## Economic and Social Council

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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Forty-third session

### ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

#### Addendum

1. This document completes the annotations to the provisional agenda of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session (E/CN.4/Sub.2/1991/1/Add.1). Its purpose is to bring to the attention of the Sub-Commission those resolutions and decisions adopted by the Economic and Social Council at its first regular session in 1991 which are considered relevant to the agenda items of the forty-third session of the Sub-Commission. A list of those resolutions and decisions is annexed.

#### Item 3. Review of the work of the Sub-Commission

2. The Economic and Social Council, in its decision 1991/248, approved the recommendation of the Commission on Human Rights contained in its resolution 1991/56 to invite the Chairman of the Commission to inform the Sub-Commission concerning the debate on the report of the Sub-Commission on its forty-second session and to report to the Commission at its forty-eighth session on the implementation of the guidelines provided in the resolution.

Item 4. Review of further developments in fields with which the Sub-Commission has been concerned

Human rights and environment

3. By its decision 1991/244, the Economic and Social Council endorsed Sub-Commission resolution 1990/7, by which it entrusted Ms. Fatma Zohra Ksentini with the task of preparing a study on human rights and environment. The Secretary-General was requested to provide her with all the assistance she might need for the completion of her task.

Provisional suspension of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

4. By its resolution 1991/32, the Economic and Social Council approved the recommendation of the Commission on Human Rights, contained in its resolution 1991/81, that the Council interpret rule 59 of the rules of procedure so as to allow the Sub-Commission to vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot when it so decides by a majority of its present and voting members.

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

5. In its resolution 1991/2, the Economic and Social Council reaffirmed the importance of achieving the objectives of the Second Decade to Combat Racism and Racial Discrimination. It called upon South Africa to exercise its responsibility to end the violence in that country and thus sustain the emerging political climate. Governments were called upon to encourage positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, to take or continue to take all necessary measures to combat all forms of racism and racial discrimination, and to support the work of the Second Decade. The Council welcomed the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the proclamation of the International Year of the World's Indigenous People. The Economic and Social Council further reaffirmed the need to continue giving particular attention to the elimination of apartheid within the activities of the Programme of Action for the Second Decade, and the importance of public information activities in combating racism and racial discrimination.

6. By its decision 1991/234, the Economic and Social Council approved the Commission's request to the Secretary-General to prepare and finalize a handbook of recourse procedures for victims of racism and racial discrimination and to organize in 1991 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination.

Sub-item (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

7. By its resolution 1991/26, the Economic and Social Council welcomed with satisfaction Commission resolution 1990/22 in which the Commission invited the Special Rapporteur, Mr. Ahmed Khalifa, to continue to update his list of banks, transnational corporations and other organizations assisting South Africa.

8. Under the present item, the Sub-Commission may further wish to take note of Economic and Social Council resolution 1991/20 of 30 May 1991 entitled "Women and children under apartheid" and resolution 1991/37 of 31 May 1991 entitled "Infringement of trade union rights in South Africa".

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission established under Commission on Human Rights resolution 8 (XXIII)

9. The following decisions of the Economic and Social Council relating to resolutions adopted by the Commission on Human Rights at its forty-seventh session are drawn to the attention of the Sub-Commission:

|          |                                                            |
|----------|------------------------------------------------------------|
| 1991/237 | Situation of human rights in South Africa                  |
| 1991/246 | Assistance to Guatemala in the field of human rights       |
| 1991/251 | Situation of human rights in Kuwait under Iraqi occupation |
| 1991/252 | Situation of human rights in Cuba                          |
| 1991/253 | Situation of human rights in Romania                       |
| 1991/256 | Situation of human rights in Iraq                          |
| 1991/257 | Situation of human rights in El Salvador                   |
| 1991/258 | Situation of human rights in Haiti                         |
| 1991/259 | Situation of human rights in Afghanistan                   |
| 1991/260 | Situation in Equatorial Guinea                             |
| 1991/261 | Situation of human rights in the Islamic Republic of Iran  |
| 1991/268 | Situation of human rights in southern Lebanon              |
| 1991/269 | Situation in Cambodia                                      |

Item 8. The realization of economic, social and cultural rights

10. By its decision 1991/235, the Economic and Social Council endorsed the recommendation of the Commission, contained in its resolution 1991/18, to request the Secretary-General to organize an expert seminar for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

Item 10. The administration of justice and the human rights of detainees

Sub-item (a) Question of the human rights of persons subjected to any form of detention or imprisonment

11. By its resolution 1991/27, the Economic and Social Council approved the request of the Commission, contained in its resolution 1991/41, to authorize an open-ended working group to meet for a period of two weeks prior to the forty-eighth session of the Commission to consider the draft declaration on the protection of all persons from enforced or involuntary disappearance. The working group is expected to meet in October 1991.

Sub-item (b) Question of human rights and states of emergency

12. The Economic and Social Council, in its decision 1991/262, endorsed the request of the Sub-Commission, contained in resolution 1990/19, to the Special Rapporteur, Mr. Leandro Despouy, to continue to update the list on states of emergency and to present in his annual report to the Sub-Commission and the Commission draft standard provisions on emergency situations.

Sub-item (d) The right to a fair trial

13. The Economic and Social Council adopted resolution 1991/28 in which it endorsed Sub-Commission resolution 1990/18 and the requests contained therein to the two Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat.

Item 11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

14. By its decision 1991/241, the Economic and Social Council approved the decision of the Sub-Commission (resolution 1990/23) and the Commission (resolution 1991/39) to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary.

Item 15. Discrimination against indigenous peoples

15. By its decision 1991/249, the Economic and Social Council authorized the Working Group on Indigenous Populations to meet for 10 working days prior to the forty-third session of the Sub-Commission and requested the Secretary-General to ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both English and Spanish. The Working Group will meet from 22 July to 2 August 1991.

Item 16. Contemporary forms of slavery

16. The attention of the Sub-Commission is drawn to Economic and Social Council resolutions 1991/34 and 1991/35 of 31 May 1991.

17. In resolution 1991/34, the Economic and Social Council requested the General Assembly to establish a voluntary fund on contemporary forms of slavery aimed at assisting representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery and to extend, through established channels, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

18. In its resolution 1991/35, the Council requested the Secretary-General to submit a further report to the Council on the steps taken to implement the recommendations contained in its resolution 1983/30 and to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery. It further endorsed the recommendations of the Commission in paragraphs 10 and 11 of resolution 1991/58.

Item 18. Protection of minorities

19. By its decision 1991/250, the Economic and Social Council approved the request of the Commission, contained in its resolution 1991/62, to the Special Rapporteur, Mr. Asbjørn Eide, to submit a preliminary report to the Sub-Commission at its forty-third session and requested the Secretary-General to organize a technical meeting of experts for three days to enable the Special Rapporteur to carry out his work successfully.

Annex

LIST OF RESOLUTIONS AND DECISIONS ADOPTED BY THE ECONOMIC AND  
SOCIAL COUNCIL AT ITS FIRST REGULAR SESSION OF 1991 RELATING  
TO ITEMS OF THE PROVISIONAL AGENDA OF THE FORTY-THIRD SESSION  
OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

| <u>ECOSOC</u><br><u>resolution No.</u> |                                                                                                                                                                                  | <u>Sub-Commission</u><br><u>provisional</u><br><u>agenda item</u> |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1991/2                                 | Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination                                                                       | 5 (a)                                                             |
| 1991/9                                 | United Nations Decade of Disabled Persons                                                                                                                                        | 12                                                                |
| 1991/11                                | Integration of young people into society: participation, development, peace                                                                                                      | 17 (a)                                                            |
| 1991/15                                | Crime prevention and criminal justice                                                                                                                                            | 10 (a)                                                            |
| 1991/18                                | Violence against women in all its forms                                                                                                                                          | 17 (b)                                                            |
| 1991/19                                | Situation of and assistance to Palestinian women                                                                                                                                 | 17 (b)                                                            |
| 1991/20                                | Women and children under apartheid                                                                                                                                               | 5 (a)                                                             |
| 1991/21                                | Disabled women                                                                                                                                                                   | 12                                                                |
| 1991/25                                | Elimination of discrimination against women in accordance with the aims of the Convention on the Elimination of All Forms of Discrimination against Women                        | 17 (b)                                                            |
| 1991/26                                | Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa | 5 (b)                                                             |
| 1991/27                                | Question of enforced or involuntary disappearances                                                                                                                               | 10 (a)                                                            |
| 1991/28                                | Right to a fair trial                                                                                                                                                            | 10 (d)                                                            |
| 1991/29                                | Question of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care                                           | 4                                                                 |
| 1991/30                                | Rights of persons belonging to national, ethnic, religious or linguistic minorities                                                                                              | 18                                                                |

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agenda item

|         |                                                                                                                                                                                                  |       |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1991/31 | Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms | 4     |
| 1991/32 | Strengthening of the independence of the expert members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities                                                       | 4     |
| 1991/33 | International Covenants on Human Rights                                                                                                                                                          | 4     |
| 1991/34 | United Nations Voluntary Trust Fund on Contemporary Forms of Slavery                                                                                                                             | 16    |
| 1991/35 | Suppression of the traffic in persons                                                                                                                                                            | 16    |
| 1991/36 | Developments relating to the activities of the Centre for Human Rights                                                                                                                           | 4     |
| 1991/37 | Infringements of trade union rights in South Africa                                                                                                                                              | 5 (a) |

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decision No.

|          |                                                                                                                                                                                                                                                                                                                                             |       |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1991/234 | Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination                                                                                                                                                                                                                                  | 5 (a) |
| 1991/235 | Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights | 8     |
| 1991/236 | Respect for the right of everyone to own property alone as well as in association with others                                                                                                                                                                                                                                               | 8     |
| 1991/237 | Situation of human rights in South Africa                                                                                                                                                                                                                                                                                                   | 6     |
| 1991/238 | Internally displaced persons                                                                                                                                                                                                                                                                                                                | 6     |
| 1991/239 | World Conference on Human Rights                                                                                                                                                                                                                                                                                                            | 4     |

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|          |                                                                                                                                          |        |
|----------|------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1991/241 | Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers                                     | 11     |
| 1991/242 | Question of enforced or involuntary disappearances                                                                                       | 10 (a) |
| 1991/243 | Question of arbitrary detention                                                                                                          | 10 (a) |
| 1991/244 | Human rights and the environment                                                                                                         | 4      |
| 1991/245 | Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief       | 13     |
| 1991/246 | Assistance to Guatemala in the field of human rights                                                                                     | 6      |
| 1991/247 | Report of the Special Rapporteur on the sale of children, child prostitution and child pornography                                       | 16     |
| 1991/248 | Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities                                                  | 3      |
| 1991/249 | Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities | 15     |
| 1991/250 | Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities                          | 18     |
| 1991/251 | Situation of human rights in Kuwait under Iraqi occupation                                                                               | 6      |
| 1991/252 | Situation of human rights in Cuba                                                                                                        | 6      |
| 1991/253 | Situation of human rights in Romania                                                                                                     | 6      |
| 1991/254 | Cooperation with representatives of United Nations human rights bodies                                                                   | 3      |
| 1991/255 | Summary or arbitrary executions                                                                                                          | 10 (a) |
| 1991/256 | Situation of human rights in Iraq                                                                                                        | 6      |
| 1991/257 | Situation of human rights in El Salvador                                                                                                 | 6      |

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|          |                                                           |        |
|----------|-----------------------------------------------------------|--------|
| 1991/258 | Situation of human rights in Haiti                        | 6      |
| 1991/259 | Situation of human rights in Afghanistan                  | 6      |
| 1991/260 | Situation in Equatorial Guinea                            | 6      |
| 1991/261 | Situation of human rights in the Islamic Republic of Iran | 6      |
| 1991/262 | Question of human rights and states of emergency          | 10 (b) |
| 1991/268 | Situation of human rights in southern Lebanon             | 6      |
| 1991/269 | Situation in Cambodia                                     | 6      |

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